

# Nationwide Permit 401 and CZC Specific Conditions

## Certified March 15, 2002

### NWP 3 - Maintenance

#### **Conditions of the 401 Water Quality Certification:**

1. Prior to issuance of a NWP but after determining the application meets all regional conditions, the Corps will provide SCDHEC a **Nationwide Permit Certification Request** letter. This notice must include a copy of the permit application, drawings showing the location and dimensions of aquatic sites proposed to be altered, location maps, a wetland delineation verification from the Corps, a mitigation or restoration plan if greater than 0.10-acre or 50 linear feet of impact to special aquatic sites is proposed, and all other pertinent information. The certification request must demonstrate that the proposed project complies with all terms and conditions of this NWP Certification.
2. This NWP does not apply to canals dug for boating access, or access to docks, marinas, boat ramps, or boat slips. It also does not apply to projects that propose to replace eroded lands.
3. A maximum of 3 -acre of special aquatic sites, including wetlands, or 100 linear feet of stream may be impacted by this NWP.
4. For all projects involving spoil disposal, the applicant must submit a spoil disposal plan indicating where the material will be disposed, how spoil material will be handled, and details on methods to contain the spoil material. All spoils must be disposed of on upland areas.
5. Any deviation from the original footprint, configuration or fill area is not authorized by this NWP and will require separate approval by DHEC.

#### **Regional Conditions of the Coastal Zone Consistency Certification:**

Provided all the conditions of the 401 Water Quality Certification are included as Regional Conditions, the nationwide permit will be consistent with the S.C. Coastal Zone Management Program.

### NWP 7 - Outfall Structures and Maintenance

#### **Conditions of the 401 Water Quality Certification:**

1. Upon project completion, all disturbed riverbeds and wetlands must be restored to their original contours and conditions to the maximum degree practicable. Also, wetlands should be revegetated, if necessary.
2. The associated intake structure must be screened to prevent entrainment of juvenile and larval organisms.
3. The inflow velocity of the associated intake structures must be limited to  $\leq 0.5$  ft/sec.
4. The term "activities related to the construction of outfall structures" shall be interpreted to mean activities in the immediate vicinity of the outfall which are necessary for construction or operation of the outfall (e.g. pump equipment, rip-rap). It shall not include ancillary activities such as construction of access roads, installation of utility lines leading to or from the outfall or intake structures, construction of buildings, distant activities, etc. These activities must be reviewed separately.
5. All excess excavated materials must be hauled off site or placed on high land and properly contained and permanently stabilized to prevent erosion, with no exceptions.
6. For all projects involving spoil disposal, the applicant must submit a spoil disposal plan indicating where the material will be disposed, how spoil material will be handled, and details on methods to contain the spoil material. All spoils must be disposed of on upland areas.
7. This NWP must not be used in areas of known or suspected sediment contamination.

#### **Regional Conditions of the Coastal Zone Consistency Certification:**

Provided all the conditions of the 401 Water Quality Certification are included as Regional Conditions, the nationwide permit will be consistent with the S.C. Coastal Zone Management Program.

## NWP 12 - Utility Line Activities

### **Conditions of the 401 Water Quality Certification:**

1. Prior to issuance of a NWP but after determining the application meets all regional conditions, the Corps will provide SCDHEC a **Nationwide Permit Certification Request** letter. This notice must include a copy of the permit application, drawings showing the location and dimensions of aquatic sites proposed to be altered, location maps, a wetland delineation verification from the Corps, a mitigation or restoration plan if greater than 0.10-acre or 50 linear feet of impact to special aquatic sites is proposed, and all other pertinent information. The certification request must demonstrate that the proposed project complies with all terms and conditions of this NWP Certification.
2. Utility lines must cross perpendicular (to the extent practicable) to the aquatic site area.
3. A maximum of three aquatic site crossings (not including directionally bored crossings) with one NWP are approved by this certification.
4. Impacts to aquatic sites must be limited to a maximum corridor width of 50 feet (this includes filling, excavation, and clearing).
5. The maximum amount of area allowed to be permanently filled (not including the area backfilled for pipe placement) must be 0.1-acre, including pump station and access road, if required, unless specifically authorized by DHEC.
6. Access to the project site must be attained from highland when practicable. When this is not practicable, access must be attained by floating barges or mats instead of barge canals or causeways.
7. All excavated material must be sidecast away from stream and must not be stockpiled in the adjacent wetlands, but placed on barges or high ground, when possible. If the excavated material is temporarily placed in wetlands, it must be placed at intervals to allow for adequate circulation in the adjacent waters, including wetlands. All excess excavated materials that are hauled off site or placed on high land must be properly contained and permanently stabilized to prevent erosion.
8. The installation of power poles under this NWP is allowed.
9. All intake structures must be screened to prevent entrainment of juvenile and larval organisms and the inflow velocity must be limited to <0.5 ft/sec.
11. Upon completion of construction activities, all disturbed areas must be restored to their original contours and must be permanently stabilized with a vegetative cover (native species). This may include planting trees, shrubs, vines or ground cover.

### **Regional Conditions of the Coastal Zone Consistency Certification:**

Provided all the conditions of the 401 Water Quality Certification, plus the following condition, are included as Regional Conditions, the nationwide permit will be consistent with the S.C. Coastal Zone Management Program.

1. The use of multiple NWPs on one tract or land parcel is not approved in the coastal zone without SCDHEC-OCRM concurrence. If allowed, the applicant must provide a Wetland Master Plan consistent with the policies and procedures of Chapter III Policy Section XII E. of the S.C. Coastal Zone Management Program. The plan must include an identification of all wetland impacts/activities, drainage patterns, conceptual development, and a mitigation plan. A one-day newspaper notice in accordance with the provisions of the S.C. Coastal Zone Management Program, Chapter V C. 1. A. Notice of Certification must be included.

## NWP 13 - Bank Stabilization

### **Conditions of the 401 Water Quality Certification:**

1. Prior to issuance of a NWP but after determining the application meets all regional conditions, the Corps will provide SCDHEC a **Nationwide Permit Certification Request** letter. This notice must include a copy of the permit application, drawings showing the location and dimensions of aquatic sites proposed to be altered, location maps, a wetland delineation verification from the Corps, a mitigation or restoration plan if greater than 0.10-acre or 50 linear feet of impact to special aquatic sites is proposed, and all other pertinent information. The certification request must demonstrate that the proposed project complies with all terms and conditions of this NWP Certification.
2. All projects over 200 feet in total length must have detailed plans, stamped and signed by a licensed engineer or surveyor, showing mean high water (MHW), mean low water (MLW), volumes of fill material, etc.
3. Projects greater than 500 feet in length or greater than an average of one cubic yard per running foot are not authorized by this nationwide permit.

**Regional Conditions of the Coastal Zone Consistency Certification:**

Provided all the conditions of the 401 Water Quality Certification are included as Regional Conditions, the nationwide permit will be consistent with the S.C. Coastal Zone Management Program.

**NWP 14- Linear Transportation Projects**

**Conditions of the 401 Water Quality Certification:**

1. Prior to issuance of a NWP but after determining the application meets all regional conditions, the Corps will provide SCDHEC a **Nationwide Permit Certification Request** letter. This notice must include a copy of the permit application, drawings showing the location and dimensions of aquatic sites proposed to be altered, location maps, a wetland delineation verification from the Corps, a mitigation or restoration plan if greater than 0.10-acre or 50 linear feet of impact to special aquatic sites is proposed, and all other pertinent information. The certification request must demonstrate that the proposed project complies with all terms and conditions of this NWP Certification.
2. Impacts authorized under this NWP must be limited to minor road crossings only. Railways, airports taxiways and runways are not authorized.
3. Linear transportation projects must cross perpendicular (to the extent practicable) to the aquatic site area. Impacts authorized under this NWP must be limited to two crossings per single and complete project (as defined in the General Conditions) and must be in non-tidal wetlands only.
4. Impacts authorized under this NWP may not exceed 3 -acre of special aquatic sites, including wetlands, or 100 linear feet of stream.
5. All crossings must be culverted, bridged or otherwise designed to prevent the restriction of, and to withstand, expected high flows and tidal flows, to maintain flows through the floodplain during flow events exceeding bankfull, and to prevent the restriction of low flows and the movement of aquatic organisms. All culverts must be adequately sized, designed, installed and maintained to prevent erosion and to provide adequate passage for aquatic life and anadromous fishes occurring naturally in the vicinity of the culvert.
6. For all new private roads or widening projects of existing private roads, the top width will be limited to a maximum of 16=
7. Access to the project site must be attained from high ground, from the portion of the bridge already completed (Aend on end@construction) or from floating barges or mats (instead of canals or causeways).
8. Where projects access larger tracts under single ownership/control, a Wetland Master Plan consistent with the policies and procedures of Chapter III Policy Section XII E. of the S.C. Coastal Zone Management Program must be submitted and approved by DHEC staff prior to work beginning. The plan must include an identification of all wetland impacts/activities, drainage patterns, conceptual development, and a mitigation plan.

### **Regional Conditions of the Coastal Zone Consistency Certification:**

Provided all the conditions of the 401 Water Quality Certification, plus the following conditions, are included as Regional Conditions, the nationwide permit will be consistent with the S.C. Coastal Zone Management Program.

1. Activities in the critical areas (as defined in 48-39-10, R 30.1(D) and R 30.10) require a direct permit from SCDHEC-OCRM. OCRM's action on direct critical area permits will serve as its consistency determination for the critical area activity.
2. The use of multiple NWPs on one tract or land parcel is not approved in the coastal zone without SCDHEC-OCRM concurrence. If allowed, the applicant must provide a Wetland Master Plan consistent with the policies and procedures of Chapter III Policy Section XII E. of the S.C. Coastal Zone Management Program. The plan must include an identification of all wetland impacts/activities, drainage patterns, conceptual development, and a mitigation plan. A one-day newspaper notice in accordance with the provisions of the S.C. Coastal Zone Management Program, Chapter V C.1.A.

### **NWP 18 - Minor Discharges**

#### **Conditions of the 401 Water Quality Certification:**

1. Prior to issuance of a NWP but after determining the application meets all regional conditions, the Corps will provide SCDHEC a **Nationwide Permit Certification Request** letter. This notice must include a copy of the permit application, drawings showing the location and dimensions of aquatic sites proposed to be altered, location maps, a wetland delineation verification from the Corps, a mitigation or restoration plan if greater than 0.10-acre or 50 linear feet of impact to special aquatic sites is proposed, and all other pertinent information. The certification request must demonstrate that the proposed project complies with all terms and conditions of this NWP Certification.
2. Unless otherwise approved by the Corps and DHEC, all excavated materials must be hauled off site or placed on high land and properly contained and permanently stabilized to prevent erosion.
3. Access to the project site must be attained from highland when practicable. When this is not practicable, access must be attained by floating barges or mats instead of barge canals or causeways.

#### **Regional Conditions of the Coastal Zone Consistency Certification:**

Provided all the conditions of the 401 Water Quality Certification are included as Regional Conditions, the nationwide permit will be consistent with the S.C. Coastal Zone Management Program.

### **NWP 19 - Minor Dredging**

#### **Conditions of the 401 Water Quality Certification:**

1. Prior to issuance of a NWP but after determining the application meets all regional conditions, the Corps will provide SCDHEC a **Nationwide Permit Certification Request** letter. This notice must include a copy of the permit application, drawings showing the location and dimensions of aquatic sites proposed to be altered, location maps, a wetland delineation verification from the Corps, a mitigation or restoration plan if greater than 0.10-acre or 50 linear feet of impact to special aquatic sites is proposed, and all other pertinent information. The certification request must demonstrate that the proposed project complies with all terms and conditions of this NWP Certification.
2. Unless otherwise approved by the Corps and DHEC, all excavated materials must be hauled off site or placed on high land and properly contained and permanently stabilized to prevent erosion.
3. Access to the project site must be attained from highland when possible. When this is not possible, access must be

attained by floating barges or mats instead of barge canals or causeways.

**Regional Conditions of the Coastal Zone Consistency Certification:**

Provided all the conditions of the 401 Water Quality Certification are included as Regional Conditions, the nationwide permit will be consistent with the S.C. Coastal Zone Management Program.

**NWP 20 - Oil Spill Cleanup**

**Condition for the 401 Water Quality Certification:**

1. DHEC's Emergency Response Team must be contacted immediately in the case of a spill.

**NWP 22 - Removal of Vessels**

**Conditions of the 401 Water Quality Certification:**

1. Removal of vessels from areas of known or suspected sediment contamination is prohibited.
2. Upon removal of the vessel, all disturbed areas must be restored to their original contours and conditions to the maximum degree practicable. Also, all disturbed areas must be permanently stabilized with a vegetative cover (native species), if necessary. This may include planting trees, shrubs, vines or ground cover.

**Regional Conditions of the Coastal Zone Consistency Certification:**

Provided all the conditions of the 401 Water Quality Certification are included as Regional Conditions, the nationwide permit will be consistent with the S.C. Coastal Zone Management Program.

**NWP 23 - Approved Categorical Exclusions**

**Conditions of the 401 Water Quality Certification:**

1. Prior to issuance of a NWP but after determining the application meets all regional conditions, the Corps will provide SCDHEC a **Nationwide Permit Certification Request** letter. This notice must include a copy of the permit application, drawings showing the location and dimensions of aquatic sites proposed to be altered, location maps, a wetland delineation verification from the Corps, a mitigation or restoration plan if greater than 0.10-acre or 50 linear feet of impact to special aquatic sites is proposed, and all other pertinent information. The certification request must demonstrate that the proposed project complies with all terms and conditions of this NWP Certification.
2. This nationwide permit is not applicable for impacts in special aquatic sites, including wetlands.

**NWP 27 - Stream and Wetland Restoration Activities**

**Conditions of the 401 Water Quality Certification:**

1. Prior to issuance of a NWP but after determining the application meets all regional conditions, the Corps will provide SCDHEC a **Nationwide Permit Certification Request** letter. This notice must include a copy of the permit application, drawings showing the location and dimensions of aquatic sites proposed to be altered, location maps, a wetland delineation verification from the Corps, a mitigation or restoration plan if greater than 0.10-acre or 50 linear feet of impact to special aquatic sites is proposed, and all other pertinent information. The certification request must demonstrate that the proposed project complies with all terms and conditions of this NWP Certification.

2. Reimpoundment of previously impounded aquatic sites is not authorized by this nationwide permit.
3. A complete restoration plan indicating the size and location of the areas to be restored, construction activities involved in the restoration program, planting plans and description of actions expected to occur from the restoration must be included.
4. A management plan for the operation and maintenance of the restored area must be included with each **Nationwide Permit Certification Request** letter submitted to DHEC.
5. The placement of fill material or hard erosion control structures in aquatic sites, including wetlands, is not authorized by this certification, unless associated with other significant restoration activities within the special aquatic sites.
6. When the NWP application includes a mitigation bank proposal, issuance of the NWP will be contingent upon the final approval of a Mitigation Banking Instrument by the Mitigation Banking Review Team and the final signatures of the appropriate agency personnel.

**Regional Conditions of the Coastal Zone Consistency Certification:**

Provided all the conditions of the 401 Water Quality Certification are included as Regional Conditions, the nationwide permit will be consistent with the S.C. Coastal Zone Management Program.

**NWP 29 - Single Family Housing**

**Conditions of the 401 Water Quality Certification:**

1. Prior to issuance of a NWP but after determining the application meets all regional conditions, the Corps will provide SCDHEC a **Nationwide Permit Certification Request** letter. This notice must include a copy of the permit application, drawings showing the location and dimensions of aquatic sites proposed to be altered, location maps, a wetland delineation verification from the Corps, a mitigation or restoration plan if greater than 0.10-acre or 50 linear feet of impact to special aquatic sites is proposed, and all other pertinent information. The certification request must demonstrate that the proposed project complies with all terms and conditions of this NWP Certification.
2. The nationwide permit is not applicable to open water areas.
3. The impounding of water and creating of lakes or ponds is not authorized by this nationwide permit.
4. On-site disposal systems, if necessary, must be permitted by DHEC prior to any construction of a residence in a wetland area.
5. In areas outside the Coastal Zone, if special aquatic sites contiguous to an open water area (riverine or lacustrine wetlands) are permitted to be filled, an undisturbed buffer of 50 feet must be maintained between the filled area and the open water to prevent adverse impacts to water quality.

**Regional Conditions of the Coastal Zone Consistency Certification:**

Provided all the conditions of the 401 Water Quality Certification, plus the following conditions, are included as Regional Conditions, the nationwide permit will be consistent with the S.C. Coastal Zone Management Program.

1. The use of this nationwide permit is limited to adjacent wetlands less than one acre in total size.
2. The use of multiple NWPs on one tract or land parcel is not approved in the coastal zone without SCDHEC-OCRM concurrence. If allowed, the applicant must provide a Wetland Master Plan consistent with the policies and procedures of Chapter III Policy Section XII E. of the S.C. Coastal Zone Management Program. The plan must include an identification of all wetland impacts/activities, drainage patterns, conceptual development, and a mitigation plan. A one-day newspaper notice in accordance with the provisions of the S.C. Coastal Zone Management Program, Chapter V C. 1. A. Notice of Certification must be included.

## NWP 30 - Moist Soil Management for Wildlife

### **Conditions of the 401 Water Quality Certification:**

1. All alterations must take place on the dikes or water control structures, etc., or within an existing functional impoundment or the activity must be undertaken to construct firebreaks for wildfire control and management.
2. All disturbed areas (including retopped embankments, areas adjacent to new water control structures, etc.) must be permanently stabilized with an appropriate vegetative cover (native species) upon project completion.

### **Regional Conditions of the Coastal Zone Consistency Certification:**

Provided all the conditions of the 401 Water Quality Certification are included as Regional Conditions, the nationwide permit will be consistent with the S.C. Coastal Zone Management Program.

## NWP 31 - Maintenance of Existing Flood Control Facilities

### **Conditions of the 401 Water Quality Certification:**

1. The nationwide permit is not applicable to areas of known or suspected sediment contamination.
2. Unless otherwise approved by the Corps and DHEC, all excess excavated materials must be hauled off site or placed on high land and properly contained and permanently stabilized to prevent erosion.
3. Excavated material must not be stockpiled in the adjacent wetlands, but placed on barges or on high ground, when possible. If the excavated material is temporarily placed in wetlands, it must be placed at intervals to allow for adequate circulation of water in the wetland.

### **Regional Condition for the Coastal Zone Consistency Certification:**

Provided all the conditions of the 401 Water Quality Certification are included as Regional Conditions, the nationwide permit will be consistent with the S.C. Coastal Zone Management Program.

## NWP 32 - Completed Enforcement Actions

### **Regional Condition for the Coastal Zone Consistency Certification:**

1. Prior to issuance of a NWP but after determining the application meets all regional conditions, the Corps will provide SCDHEC a **Nationwide Permit Certification Request** letter. This notice must include a copy of the permit application, drawings showing the location and dimensions of aquatic sites proposed to be altered, location maps, a wetland delineation verification from the Corps, a mitigation or restoration plan if greater than 0.10-acre or 50 linear feet of impact to special aquatic sites is proposed, and all other pertinent information. The certification request must demonstrate that the proposed project complies with all terms and conditions of this NWP Certification.

### **Regional Condition for the Coastal Zone Consistency Certification:**

Provided the conditions of the 401 Water Quality Certification are included as Regional Conditions, the nationwide permit will be consistent with the S.C. Coastal Zone Management Program.

## NWP 33 - Temporary Construction, Access and Dewatering

### **Conditions of the 401 Water Quality Certification:**

1. Prior to issuance of a NWP but after determining the application meets all regional conditions, the Corps will provide SCDHEC a **Nationwide Permit Certification Request** letter. This notice must include a copy of the permit application, drawings showing the location and dimensions of aquatic sites proposed to be altered, location maps, a wetland delineation verification from the Corps, a mitigation or restoration plan if greater than 0.10-acre or 50 linear feet of impact to special aquatic sites is proposed, and all other pertinent information. The certification request must demonstrate that the proposed project complies with all terms and conditions of this NWP Certification.
2. A maximum of 2 -acre of special aquatic sites, including wetlands, or 100 linear feet of stream may be impacted by this NWP.
3. The structures, etc. must be in place no longer than one year.
4. Upon project completion, all disturbed areas must be restored to their original contours and conditions to the maximum degree practicable. Also, all disturbed areas must be permanently stabilized with a vegetative cover (native species), if necessary. This may include planting trees, shrubs, vines or ground cover.

**Regional Conditions of the Coastal Zone Consistency Certification:**

Provided all the conditions of the 401 Water Quality Certification are included as Regional Conditions, the nationwide permit will be consistent with the S.C. Coastal Zone Management Program.

**NWP 36 - Boat Ramps**

**Conditions of the 401 Water Quality Certification:**

1. The width of the boat ramp must be limited to 12 feet, unless otherwise approved by DHEC.
2. Only one boat ramp may be constructed on a single piece of property and must be limited to single family or non-commercial, non-profit, recreational use.
3. All excess excavated materials must be hauled off site or placed on high land and properly contained and permanently stabilized to prevent erosion.

**Regional Conditions of the Coastal Zone Consistency Certification:**

Provided all the conditions of the 401 Water Quality Certification, plus the following conditions, are included as Regional Conditions, the nationwide permit will be consistent with the S.C. Coastal Zone Management Program.

1. Construction is limited to unvegetated wetland areas unless otherwise authorized by OCRM.
2. This nationwide permit is not authorized in areas with SCDHEC-OCRM approved Dock Master Plans (DMP) unless the ramp was included in the approved DMP.
3. Activities in the Critical Areas (as defined in 48-39-10, R 30.1(D) and R 30.10) require a direct permit from SCDHEC-OCRM. OCRM's action on direct critical area permits will serve as its consistency determination for the critical area activity.

**NWP 37 - Emergency Watershed Protection and Rehabilitation**

**Conditions of the 401 Water Quality Certification:**

1. Within 30 days of initiation of the activity, the permittee must submit a restoration/mitigation plan and schedule for all impacts to special aquatic sites, including wetlands.

**Regional Conditions of the Coastal Zone Consistency Certification:**

Provided all the conditions of the 401 Water Quality Certification are included as Regional Conditions, the nationwide

permit will be consistent with the S.C. Coastal Zone Management Program.

## NWP 38 - Cleanup of Hazardous and Toxic Waste

### **Conditions of the 401 Water Quality Certification:**

1. Prior to issuance of a NWP but after determining the application meets all regional conditions, the Corps will provide SCDHEC a **Nationwide Permit Certification Request** letter. This notice must include a copy of the permit application, drawings showing the location and dimensions of aquatic sites proposed to be altered, location maps, a wetland delineation verification from the Corps, a mitigation or restoration plan if greater than 0.10-acre or 50 linear feet of impact to special aquatic sites is proposed, and all other pertinent information. The certification request must demonstrate that the proposed project complies with all terms and conditions of this NWP Certification.
2. A complete restoration/mitigation plan indicating the size and location of the areas to be impacted, construction activities involved in the restoration program, planting plans and description of actions expected to occur from the restoration must be included with each **Nationwide Permit Certification Request** letter submitted to DHEC.

### **Regional Conditions of the Coastal Zone Consistency Certification:**

Provided all the conditions of the 401 Water Quality Certification are included as Regional Conditions, the nationwide permit will be consistent with the S.C. Coastal Zone Management Program.

## NWP 39 - Residential, Commercial, and Institutional Developments

### **Conditions of the 401 Water Quality Certification:**

1. Prior to issuance of a NWP but after determining the application meets all regional conditions, the Corps will provide SCDHEC a **Nationwide Permit Certification Request** letter. This notice must include a copy of the permit application, drawings showing the location and dimensions of aquatic sites proposed to be altered, location maps, a wetland delineation verification from the Corps, a mitigation or restoration plan if greater than 0.10-acre or 50 linear feet of impact to special aquatic sites is proposed, and all other pertinent information. The certification request must demonstrate that the proposed project complies with all terms and conditions of this NWP Certification.
2. A Wetland Master Plan consistent with the policies and procedures of Chapter III Policy Section XII E. of the S.C. Coastal Zone Management Program must be submitted and approved by OCRM staff prior to work beginning. The plan must include an identification of all wetland impacts/activities, drainage patterns, conceptual development, and a mitigation plan.
3. Stream channelization or use of the permit in perennial streams is not authorized.
4. This permit does not authorize the alteration of headwater wetlands.
5. Sedimentation/sediment ponds in special aquatic sites, including wetlands, are not allowed under this NWP.
6. SCDHEC considers a "single and complete project" to mean the overall project proposed or accomplished by a single owner/developer and it includes all land within the project boundary under single ownership/control. It is not interpreted to mean only the land area directly impacted by each NWP request. Impacts to GAPC sites or adjacent waterbodies or wetlands resulting from an activity will be considered during the review of these actions.

### **Regional Conditions of the Coastal Zone Consistency Certification:**

Provided all the conditions of the 401 Water Quality Certification are included as Regional Conditions, the nationwide permit will be consistent with the S.C. Coastal Zone Management Program.

1. A one-day newspaper notice in accordance with the provisions of the S.C. Coastal Zone Management Program,

Chapter V C.1.A. In the Coastal Zone impacts are limited to noncontiguous wetlands one acre or less in size, unless specifically authorized by OCRM.

2. The use of multiple NWPs on one tract or land parcel is not approved in the coastal zone without SCDHEC-OCRM concurrence. If allowed, the applicant must provide a Wetland Master Plan consistent with the policies and procedures of Chapter III Policy Section XII E. of the S.C. Coastal Zone Management Program. The plan must include an identification of all wetland impacts/activities, drainage patterns, conceptual development, and a mitigation plan.

## NWP 40 - Agricultural Activities

### **Conditions of the 401 Water Quality Certification:**

1. Prior to issuance of a NWP but after determining the application meets all regional conditions, the Corps will provide SCDHEC a **Nationwide Permit Certification Request** letter. This notice must include a copy of the permit application, drawings showing the location and dimensions of aquatic sites proposed to be altered, location maps, a wetland delineation verification from the Corps, a mitigation or restoration plan if greater than 0.10-acre or 50 linear feet of impact to special aquatic sites is proposed, and all other pertinent information. The certification request must demonstrate that the proposed project complies with all terms and conditions of this NWP Certification.
2. Impacts authorized under this NWP may not exceed 3 -acre of special aquatic sites, including wetlands, or 100 linear feet of stream.
3. New drainage tiles, buildings, or relocation of streams is not authorized by this NWP.
4. This NWP may only be used once per farm for the life of the farm.

### **Regional Conditions of the Coastal Zone Consistency Certification:**

Provided all the conditions of the 401 Water Quality Certification are included as Regional Conditions, the nationwide permit will be consistent with the S.C. Coastal Zone Management Program.

## NWP 41 - Reshaping Existing Drainage Ditches

### **Conditions of the 401 Water Quality Certification:**

1. Prior to issuance of a NWP but after determining the application meets all regional conditions, the Corps will provide SCDHEC a **Nationwide Permit Certification Request** letter. This notice must include a copy of the permit application, drawings showing the location and dimensions of aquatic sites proposed to be altered, location maps, a wetland delineation verification from the Corps, a mitigation or restoration plan if greater than 0.10-acre or 50 linear feet of impact to special aquatic sites is proposed, and all other pertinent information. The certification request must demonstrate that the proposed project complies with all terms and conditions of this NWP Certification.
2. Impacts authorized under this NWP may not exceed more than 3 -acre of special aquatic sites, including wetlands, or 100 linear feet of stream.
3. Excavated material may not be sidecast in aquatic sites, including wetlands.
4. Only resloping of the sides of existing ditches is authorized by the NWP. Deepening or increasing the capacity of the ditch is not allowed.

### **Regional Conditions of the Coastal Zone Consistency Certification:**

Provided all the conditions of the 401 Water Quality Certification, plus the following conditions, are included as Regional Conditions, the nationwide permit will be consistent with the S.C. Coastal Zone Management Program.

1. This NWP may not be used to impact forested or riparian wetlands.

### **NWP 42 - Recreational Facilities**

#### **Conditions of the 401 Water Quality Certification:**

1. This NWP must be limited to nature trails/horse trails, bike paths, and small bridges or walkways. These activities must be a maximum of 8' wide and involve hand clearing only. Golf courses, ski areas, buildings, and campgrounds are not approved.
2. Impacts authorized under this NWP may not exceed 3 -acre of special aquatic sites, including wetlands, or 100 linear feet of stream.
3. A Wetland Master Plan for the recreational area must be submitted for review along with the request for impact. The Wetland Master Plan must include an identification of wetland impacts/activities, drainage patterns, conceptual development plans and a mitigation plan.

### **NWP 43 - Stormwater Management Facilities**

#### **Conditions of the 401 Water Quality Certification:**

1. Prior to issuance of a NWP but after determining the application meets all regional conditions, the Corps will provide SCDHEC a **Nationwide Permit Certification Request** letter. This notice must include a copy of the permit application, drawings showing the location and dimensions of aquatic sites proposed to be altered, location maps, a wetland delineation verification from the Corps, a mitigation or restoration plan if greater than 0.10-acre or 50 linear feet of impact to special aquatic sites is proposed, and all other pertinent information. The certification request must demonstrate that the proposed project complies with all terms and conditions of this NWP Certification.
2. Activities authorized by this certification are limited to maintenance of existing facilities, such as stormwater ponds, detention and retention basins, water control structures, outfall structures, and emergency spillways.
3. No stream impacts are allowed by the certification.
4. Impacts authorized by this certification may not exceed 0.10-acre of special aquatic sites, including wetlands.

### **NWP 44 - Mining Activities**

#### **Conditions of the 401 Water Quality Certification:**

1. For fills in special aquatic sites, including wetlands, greater than 0.5-acres or 300 linear feet of stream, certification is not granted.
2. A applicant may relocate up to 300 linear feet of a stream provided the channel profile and sinuosity of the relocated stream approximates the original profile.
3. This certification approval does not authorize the alteration of headwater wetlands, as defined by the Corps of Engineers in Nationwide Permit 44.
4. For impacts in ephemeral waters, within the jurisdiction of the Corps of Engineers, over 0.5-acre or 300 linear feet,

certification is not granted.

5. The applicant may be required to mitigate for impacts with on-site mitigation, if such mitigation is practical.

6. Sedimentation/sediment basins in special aquatic sites, including wetlands, are not allowed under this NWP unless they are constructed in areas authorized to be impacted by mining.

**Regional Conditions of the Coastal Zone Consistency Certification:**

Provided all the conditions of the 401 Water Quality Certification are included as Regional Conditions, the nationwide permit will be consistent with the S.C. Coastal Zone Management Program.

Nationwide Permit Number & Topic	401 Cert Action	CZC Cert Action	Requires Cert Letter
1. Aids to Navigation	N/A	Issue	
2. Structures in Artificial Canals	N/A	Issue	
3. Maintenance	Issue w/ Cond	Issue w/ Cond	/
4. Fish and Wildlife Harvesting, Enhancement, and Attraction Devices and	Issue	Issue	
5. Scientific Measurement Devices	Issue	Issue	
6. Survey Activities	Issue	Issue	
7. Outfall Structures and Maintenance	Issue w/ Cond	Issue w/ Cond	
8. Oil and Gas Structures	N/A	Issue	
9. Structures in Fleeting and Anchorage Areas	N/A	Issue	
10. Mooring Buoys	N/A	Issue	
11. Temporary Recreational Structures	N/A	Issue	
12. Utility Line Activities	Issue w/ Cond	Issue w/ Cond	/
13. Bank Stabilization	Issue w/ Cond	Issue w/ Cond	/
14. Linear Transportation Projects	Issue w/ Cond	Issue w/ Cond	/
15. U.S. Coast Guard Approved Bridges	Issue	Issue	
16. Return Water From Upland Contained Disposal Areas	Deny	Deny	
17. Hydropower Projects	Deny	Deny	
18. Minor Discharges	Issue w/ Cond	Issue w/ Cond	/
19. Minor Dredging	Issue w/ Cond	Issue w/ Cond	/
20. Oil Spill Cleanup	Issue w/ Cond	Issue	
21. Surface Coal Mining Activities	Deny	Deny	
22. Removal of Vessels	Issue w/ Cond	Issue w/ Cond	
23. Approved Categorical Exclusions	Issue w/ Cond	Deny	/
24. State Administered Section 404 Programs	N/A	Deny	
25. Structural Discharges	Issue	Issue	
26. [Reserved]	N/A	N/A	
27. Stream and Wetland Restoration Activities	Issue w/ Cond	Issue w/ Cond	/
28. Modifications of Existing Marinas	N/A	Deny	
29. Single-family Housing	Issue w/ Cond	Issue w/ Cond	/
30. Moist Soil Management for Wildlife	Issue w/ Cond	Issue w/ Cond	
31. Maintenance of Existing Flood Control Facilities	Issue w/ Cond	Issue w/ Cond	
32. Completed Enforcement Actions	Issue w/ Cond	Issue w/ Cond	
33. Temporary Construction, Access and Dewatering	Issue w/ Cond	Issue w/ Cond	/
34. Cranberry Production Activities	Deny	Deny	
35. Maintenance Dredging of Existing Basins	N/A	Deny	
36. Boat Ramps	Issue w/ Cond	Issue w/ Cond	
37. Emergency Watershed Protection and Rehabilitation	Issue w/ Cond	Issue w/ Cond	
38. Cleanup of Hazardous and Toxic Waste	Issue w/ Cond	Issue w/ Cond	/
39. Residential, Commercial, and Institutional Developments	Issue w/ Cond	Issue w/ Cond	
40. Agricultural Activities	Issue w/ Cond	Issue w/ Cond	/
41. Reshaping Existing Drainage Ditches	Issue w/ Cond	Issue w/ Cond	/
42. Recreational Facilities	Issue w/ Cond	Deny CondDeny	/
43. Stormwater Management Facilities	Issue w/ Cond	Deny	/
44. Mining Activities	Issue w/ Cond	Issue w/ Cond	

NWP 401 & CZC Specific Conditions  
Certified March 15, 2002